

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

SIPA Liquidation

No. 08-01789 (SMB)

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

EFG BANK S.A., f/k/a EFG Private Bank S.A., EFG
BANK (MONACO) S.A.M. f/k/a/ EFG Eurofinancière
d'Investissements S.A.M., and EFG BANK & TRUST
(BAHAMAS) LIMITED, as successor-in-interest to Banco
Atlántico (Bahamas) Bank & Trust Limited,

Defendants.

Adv. Pro. No. 12-01690 (SMB)

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BSI AG, individually and as successor in interest to
BANCO DEL GOTTARDO,

Defendant.

Adv. Pro. No. 12-01209 (SMB)

**DECLARATION AND DISCLOSURE STATEMENT
OF D. FARRINGTON YATES PURSUANT TO RULE 1.12 OF THE NEW YORK
RULES OF PROFESSIONAL CONDUCT ON BEHALF OF KOBRE AND KIM LLP**

I, D. Farrington Yates, being duly sworn, state the following under penalty of perjury.

1. I am a member of the law firm of Kobre & Kim LLP (“K&K”), an international law firm with principal offices at 800 Third Avenue, New York, New York 10022. Kobre & Kim LLP focuses exclusively on disputes and investigations.

2. I am a member in good standing of the bars of New York, Florida, Texas, and the District of Columbia. There are no disciplinary proceedings pending against me in any jurisdiction.

3. This Declaration has been prepared in accordance with Rule 1.12 of the New York Rules of Professional Conduct.

4. K&K represents the following named defendants in the above-referenced adversary proceedings: EFG Bank S.A., f/k/a EFG Private Bank S.A.; EFG Bank (Monaco) S.A.M., f/k/a EFG Eurofinancière d’Investissements S.A.M.; EFG Bank & Trust (Bahamas) Limited, as successor-in-interest to Banco Atlántico (Bahamas) Bank & Trust Limited; and BSI AG, individually and as successor in interest to Banco del Gottardo (collectively, the “EFG/BSI Defendants”).

5. Michael Brasky recently joined K&K as an Associate. Prior to joining K&K, Mr. Brasky was a Law Clerk to the Honorable Stuart M. Bernstein at the U.S. Bankruptcy Court, Southern District of New York (the “Court”). While at the Court, Mr. Brasky performed certain ministerial and not substantive tasks in these cases. Since joining the firm, Mr. Brasky has been screened from work related to these cases. Mr. Brasky’s IT credentials have also been restricted from accessing K&K’s electronic resources in which data related to these cases is stored. Mr. Brasky also has been instructed not to discuss his former work on these cases with any K&K personnel, and all K&K personnel working on these cases have been instructed to not discuss these cases with Mr. Brasky.

6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: November 18, 2020

New York, New York

Respectfully Submitted,

By: /s/ D. Farrington Yates

D. Farrington Yates

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Counsel for EFG/BSI Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2020, I caused the foregoing document to be served upon counsel of record via ECF.

/s/ D. Farrington Yates

D. Farrington Yates